

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE: NOS COMMUNICATIONS,

MDL No. 1357

CTA RESEARCH CORP.,

Plaintiff,

v.

AFFINITY NETWORK, INC., d/b/a  
QUANTUMLINK COMMUNICATIONS,  
INC.,

Defendant.

Case No. 2:01-cv-0861-LDG (PAL)

Case No. 2:00-cv-1465-LDG (VCF)

**ORDER**

In September 2011, the Court ordered the parties to file a joint status report and to address any proceedings or scheduling they believe is necessary to efficiently bring to close the pre-trial proceedings of this matter, which was transferred to this Court as part of a multi-district litigation. The parties filed a joint status report in October.

The plaintiff indicated that it anticipated taking a deposition and possibly, depending upon the fruits of that deposition, bringing a motion to compel further responses to discovery sometime in November, 2011. The plaintiff indicated its belief that resolution of

1 such discovery matters was required before its experts could formulate an appropriate  
2 damages model and plaintiff could move for class certification.

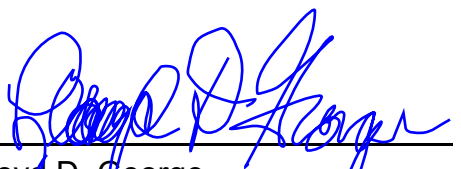
3 The defendant indicated its belief that it should be permitted to file a motion for  
4 summary judgment to dismiss the plaintiff's remaining claim. The defendant further  
5 asserted its belief that there is no discovery that plaintiff could obtain that could establish  
6 that plaintiff has a claim for damages that survived the Ninth Circuit's 2007 decision in this  
7 matter.

8 Subsequent to the joint status report, the plaintiff has neither moved to compel any  
9 further discovery nor moved to certify a class, or otherwise indicated that it is prepared to  
10 defend a motion for summary judgment. Accordingly, in an effort to efficiently complete the  
11 pre-trial proceedings, the Court will hold a scheduling conference. In anticipation of the  
12 hearing, the Court requests that the parties be prepared to recommend dates for discovery  
13 cut-off, expert disclosures, rebuttal expert disclosures, for the filing of dispositive motions,  
14 and (if plaintiff deems appropriate) for the filing of a motion to certify a class.

15 Therefore, for good cause shown,

16 THE COURT **ORDERS** that this matter is set for a scheduling conference on  
17 Thursday, March 8, at 9:00 a.m., in Courtroom 6B.

18  
19 DATED this 17 day of February, 2012.

20  
21   
22 Lloyd D. George  
23 United States District Judge  
24  
25  
26